

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

FILED BY *J* D.C.
05 MAY -3 PM 1:56

MARCUS SEYMOUR,
Plaintiff

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. TN, MEMPHIS

v.
UNITED STATES POSTAL SERVICE and
JOHN E. POTTER, Postmaster General,
Defendants

CIVIL NO. 04-2261 DP

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was to be held on May 5, 2005. John R. Herberger, counsel for the plaintiff and Gary A. Vanasek, counsel for the defendant, agreed upon the following dates and these dates are established as final dates for:

1. **Meeting pursuant to Fed.R.Civ.P. 26(f).** The Counsel for plaintiff and the undersigned Assistant U.S. Attorney have conferred to plan discovery.
2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) by **May 16, 2005**
3. **Discovery Plan.** The parties will need discovery on all the issues raised in the pleadings.

The parties propose the following deadlines.

Amending pleadings and June 1, 2005
Joining Parties

Reports from experts: July 15, 2005, from plaintiff.
 August 15, 2005, from defendant.

Completion of discovery: November 1, 2005

Dispositive motions: January 13, 2006

Trial Date set by Court: After March 30, 2006

Pretrial Order Due: Two weeks before trial
Final List of Witnesses and Exhibits Exchanged: Two weeks before trial

Estimated length of trial: 3 days.

4. **Other Items.** Settlement cannot be evaluated prior to the completion of discovery and may be enhanced by a settlement conference with the Magistrate Judge.

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of default or the service of the response, answer, or objection which is the subject of the motion. If default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for non-jury trial. The pretrial order date, pretrial conference date and trial will be set by the presiding judge. It is anticipated the trial will last one day.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a partie believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

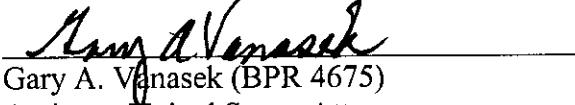
IT IS SO ORDERED.



TU M. PHAM
UNITED STATES MAGISTRATE JUDGE
DATE: 5/3/05

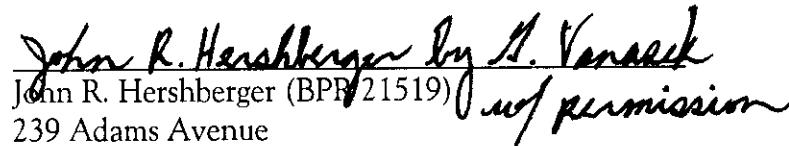
APPROVED:

TERRELL L. HARRIS
United States Attorney

By: 

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Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-02261 was distributed by fax, mail, or direct printing on May 4, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT